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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,642	07/29/2003	Wen-Tsan Lin	Y4P3005	8204

46830 7590 02/23/2005

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EXAMINER

SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,642

Applicant(s)

LIN, WEN-TSAN

Examiner

J. Allen Shriver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,8,9,11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. **Claims 4-5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Regarding claim 4, Examiner does not understand how “the end bush is at an end near the button” because as shown in Figure 3, the end bush is located on the opposite end from the button.

Claim 5 recites the limitation "the end bush" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US Patent Application Publication 2003/0132613 A1).** Lin discloses a golf cart comprising a cart body including at least one first portion and one second portion, a joint means (See Fig. 1) including at least one first joint (2), one second joint (4) and one spindle (52); the

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first joint having a pair of bushes (23); the second joint having a sleeve (See Fig. 1) corresponding to the pair of bushes; the sleeve being received in between the bushes and being rotatable (See Figs. 3-5); the spindle passing through the two bushes and the sleeve; the first portion of the cart body being combined to the first joint; the second portion of the cart body being combined to the second joint; a braking means further comprising at least one first buckling element (232) installed at an inner surface of one bush; at least one second buckling element (43) being installed to the inner surface of the sleeve; at least one confining element (55) embedded between the first buckling element and the second buckling element and being confined by the first buckling element and the second buckling element so as only to move axially in the bushes and the sleeve (See Figs. 3-4); a control means for controlling the axial movement of the confining element; the control means including at least one button (5) which is rotatable and axially moves and is installed on the spindle (See Figs. 3-4); the control means having an elastomers (53); the confining element always retaining on the position of the bush; wherein when the button is released, the elastomer is released so that the confining element is pushed to the bush; thereby, the bush of the joint means rotates with respect to the sleeve freely (See Fig. 4); the first joint and the second joint serves to expand or fold the golf cart; and when the button is tightened, the bushes can not move with respect to the sleeve (See Fig. 3); **[claim 3]** wherein a resisting element is installed in the interior of the sleeve, the resisting element is a cylindrical body and has an axial hole for being passed by the spindle, an outer edges of the end portions of the resisting element resist against the elastomers; **[claim 5]** wherein a periphery of the end bush has at least one buckling protrusions; **[claim 6]** wherein the elastomers are selected from a compressible spring or an elastic rubber (See Fig. 1).

Lin does not specifically disclose wherein the bushes are symmetric. The mere duplication of parts has no patentable significance unless a new and unexpected result is produced. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In this case, it would have been obvious to a person of ordinary skill in this art to duplicate the first bush to provide symmetrical bushes in Lin, so that the control means could be placed on either the right or left side of the golf cart.

Regarding claim 7, Lin does not disclose wherein a tightening nut is installed in an interior of the button. However, Line does disclose wherein a tightening nut is installed on the spindle (see Fig. 3). It would have been obvious to a person of ordinary skill in this art to reverse the position of the tightening nut disclosed in Lin from the end opposite the button to be located in an interior of the button. The motivation for doing so would have been to protect the tightening nut from becoming loose.

Allowable Subject Matter

5. Claims 2, 8-9 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 4 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

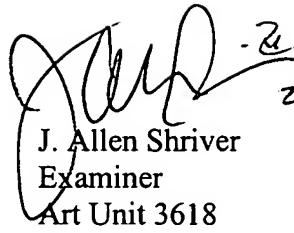
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/19/05
J. Allen Shriver
Examiner
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JAS